

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

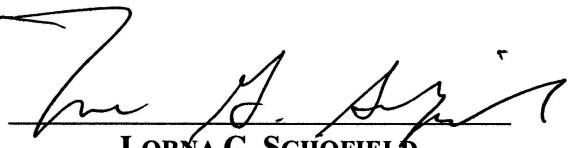
-----X
:
JAMES MURPHY, :
Plaintiff, :
: 19 Civ. 10329 (LGS)
-against- :
: ORDER
LITTLE CAESAR ENTERPRISES, INC., :
Defendant. :
:
-----X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 13, 2022, the Court of Appeals granted Plaintiff-Appellant's motion to withdraw the appeal of the Order at Dkt. No. 44 and remanded the case with instructions to this Court "to determine, in the first instance, whether any further proceedings are warranted, including vacatur of the merits-based judgments and dismissal of the actions for lack of standing in light of" the Second Circuit's decision in *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68 (2d Cir. 2022). It is hereby

ORDERED that, by **December 22, 2022**, the parties shall file a joint letter stating their respective positions on whether the merits-based judgment should be vacated and the case dismissed instead for lack of standing in light of the Second Circuit's *Calcano* decision, and/or whether any other proceedings are appropriate.

Dated: December 15, 2022
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE